

TEWKSBURY Board of Health
Minutes
November 7, 2013

Call of Meeting To Order

MOTION - Ms. Brothers made a motion to call the meeting to order at 7:05 PM. The motion was seconded by Ms. Kinnon and unanimously voted 4-0.

The meeting was held at the Tewksbury Town Hall. Present at the meeting were, Vice Chairman Charles Roux, Christine Kinnon, Kathleen Brothers, Raymond Barry and Health Director Lou-Ann Clement. Chairman Phillip French was not in attendance.

Approval of Departmental Report – 2013 Third Quarter Reports

Ms. Clement provided copies of the third quarter report for 2013 as well as the entire 2012 report for comparison. Ms. Clement stated that the office picked up part-time help in September. The part-time Sanitarian works 16 hours per week. During this quarter, 47 permits were issued and \$3,845.98 in fees were collected. There were a total of 132 total complaints this quarter included: 17 dog bites, 25 farm odor complaints and 18 housing complaints. That is up from last quarter.

Ms. Clement stated that the nursing activity is up from last quarter. This is the first full quarter with the new nurse. Sarah Kinghorn is now trained on the MAVEN system and all communicable disease complaints are now up to date. The State is very happy we are now on MAVEN. The communicable diseases have jumped from last quarter from 21 to 55. The biggest jump is in Lyme Disease with jumped from 4 to 18 and Hepatitis C which increased by 7.

Ms. Clement stated that our part-time Sanitarian has caught up on the outstanding environmental complaints, and is starting on performing routine inspections.

Ms. Clement stated that the mutual aid includes septic inspections in Wilmington due to a conflict with one of the septic installers. Ms. Clement stated that the miscellaneous activities include Sutton Brook and Medical Marijuana.

Mr. Barry complimented the staff. There is a page more to the report and this was done with less staff than the year before which the office is normally understaffed.

MOTION - Ms. Brothers made a motion to approve the third quarter departmental reports as submitted. The motion was seconded by Ms. Kinnon and unanimously voted 4-0.

Old Business

Keeping of Animal Permit Status at 170 Whittemore Woods

Ms. Clement stated a permit to keep animals at 170 Whittemore Woods was approved by the Board and there was a condition that a fence had to be erected to keep the chickens contained. The owners have requested that this condition be delayed until the spring. The chickens for the most part are kept in a pen and the owners have agreed to keep them confined.

Ms. Brothers stated that she is concerned with the neighbors since they were before the Board and complained about the chickens roaming. Ms. Clement stated that the chickens have not roamed the property recently and the owners have indicated that they will keep them penned until the fence is installed. Ms. Brothers asked that the neighbors be notified and the Animal Inspector performs an inspection over the winter.

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MOTION - Ms. Brothers made a motion to approve the delay of the fencing requirement until the spring for the keeping of animals permit at 170 Whittemore Woods with the stipulation that the neighbors be notified and the Animal Inspector conducts an inspection over the winter. If the neighbor has concerns with this action, then the Board will revisit it. The motion was seconded by Ms. Kinnon and unanimously voted 4-0.

Medical Marijuana Draft Bylaw

Ms. Clement stated that the zoning bylaw needs to be approved at Town Meeting. Mr. Sadwick used the Town of Dennis bylaw as the model for Tewksbury. Ms. Clement pointed out that in Section 6511; there are two terms used, petition and citizen petition, these should be the same. She also pointed out that the actual State law should be referenced, not the petition. Mr. Barry stated that the petition is also referenced in Section 6511 and 6530.

Ms. Kinnon stated that in Section 6512, it references a historic district but she doesn't believe there is a historic district in Tewksbury so that should be removed.

Ms. Brothers asked if a hardship case could be located in senior housing. Ms. Clement replied that this cannot be located within a federal housing development. Federal funding sources will be lost since Marijuana is not considered legal under federal laws.

Mr. Barry asked if a hardship case needs zoning approval. Ms. Clement replied that there is a question on how zoning will handle hardship cases because now they will be dealing with private homes. If this a rental property, the land owner can refuse a tenant's request to have medical marijuana and she is not sure with the HIPA laws if a hardship case would have to go to the Planning Board. They would have to have the proper approvals.

Ms. Kinnon asked if a hardship case could be located in a condo unit and could an association say no. Ms. Clement stated that was a good question and she will ask the State for a clarification.

Mr. Barry stated that Section 6557 deals with signage but is there interior or exterior and also how much signage do we want on the exterior of a building. Mr. Barry also stated that in Section 6558, the SPGA needs to be defined. Ms. Clement stated that the Planning Board would be the SPGA for the special permit.

Ms. Clement stated that in Section 6563 she is wondering why plans are not required to be reviewed by the Police and Fire as well as the Planning Board. Mr. Barry stated that they need the special permit approved before the security plan is done so perhaps it could be a standard condition of the special permit approval.

Mr. Barry asked if a grease trap will be required. Ms. Clement replied that if a dispensary is preparing food, it probably would be required but she will ask that question.

Ms. Kinnon stated that in Section 6566, it specifies a special permit term limit to applicant. This section needs to clarify ownership of the business versus the property owner. Ms. Kinnon stated that in Section 6568 refers to "removal of tower". This should be changed to marijuana distribution facility.

MOTION - Mr. Barry made a motion to draft a letter to the Community Development Director with the comments from the Board of Health regarding Medical Marijuana. The motion was seconded by Ms. Kinnon and unanimously voted 4-0.

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Proposed Chapter 9 of the Tewksbury Board of Health Regulations “Grease Trap Requirements for Food Establishments”

Ms. Clement stated that the final draft was almost done but then they received comments from Town Counsel so another draft has been provided with his comments included. Ms. Clement summarized Town Counsel’s comments. One comment was the reference to a food establishment. Ms. Clement stated that she references 105 CMR 590 for the definition of a food establishment but this also includes vending machines, food banks and retail establishments that do not prepare food. She has updated the regulations to exclude these types of establishments. She has also cleaned up the references to public owned treatment plant (POTW). She has also referenced Tewksbury Rules and Regulations governing the use of sewer pre-treatment. For the definition of grease trap, water type structure add “so as to separate” and “in order to prevent grease from entering the sanitary sewage” as defined in the Tewksbury Sewer Regulations. On page 4, clarified grease trap installation”. In Section 5.9.5.2, clarified preparing or selling prepared food. In Section 9.5.3.7, reworded to clarify that that a system install must be 6” below finished grade. In Section 9.5.3.18 there was a clarification that the as-built must be submitted to the Board of Health within 20 days of installation. Ms. Clement stated that the regulations did not address who is responsible for cleaning the internal grease traps. She believes that it is the owner’s responsibility to provide regular cleaning but an outside company should do the inspections.

Mr. Barry asked where the stuff that is removed from the internal grease trap goes. Mr. Roux stated that the material would be deposited in the proper self-standing receptacles. Mr. Roux added that the maintenance information should be kept in a log. This should be part of the Board of Health annual inspection so there should be no need for an outside cleaning company unless there is a problem. Ms. Clement stated that the regulations say “as required by the Board”. Ms. Clement asked if the Board was agreeable to a restaurant cleaning its own internal grease trap. Mr. Roux stated that he is agreeable as long as this is inspected at the Board of Health inspection and as long as the Plumbing Inspector agrees.

Ms. Clement stated that the Town has hired Weston and Sampson as consultants and they are in the process of reviewing the sewer regulations. She has asked them to review these regulations as well. They have been involved with developing regulations all over the State. They commented on the need to make sure the restaurants have the proper equipment and knowledge to clean the internal grease traps. They have also questioned who is responsible for the maintenance of a shared external grease tank. Ms. Clement stated that she and the sanitarian will be accompanying Weston and Sampson next week to some restaurants to see what to look for.

Mr. Barry asked if the regulations require a receptacle to put the remnants from the internal grease trap. Ms. Clement replied yes, it is typically a 55-gallon drum. This type of receptacle is covered under the dumpster regulations.

Ms. Clement stated that Town Counsel has also questioned why the Board is waiting for five years to require everyone to connect. The Board can decide to stay with five years or go back to three years as originally proposed.

Mr. Barry stated that we need to preserve the investment the Town has made in the new sewer system so perhaps five years is too long and allows for too much damage. Mr. Roux stated that it can be expensive to retrofit an existing restaurant but they all know we have been working on these regulations. Ms. Clement stated that the enforcement section allows us to review the maintenance records and also allows us to require restaurants that renovate or experience a problem to install an external grease tank.

Ms. Brothers stated that we have had people that came before us for variances and they were told five years. Ms. Clement replied that they were told that the regulations were being updated and they were not exempt from these new regulations. Once the regulations are finalized, the office will notify all the restaurants.

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Ms. Kinnon stated that she is concerned with the cost to the restaurants. Mr. Roux stated that the owner of the building would be responsible, so how that cost is distributed is up to them. Ms. Clement stated that an external grease tank would add value to a building.

Mr. Barry asked if we know how many properties need to install external grease tanks. Ms. Clement replied that she has a spread sheet at her office but she would guess about 50% of them would require one.

Mr. Roux added that a lot of the existing grease tanks are out of compliance and would need to be updated.

Ms. Clement stated that there is a big education portion required due to the large number of grinder pumps that are connected to the sewer system in Town.

Mr. Roux stated that we need to get these regulations done and get the maintenance portion going. The maintenance of the existing systems are not being done.

Mr. Barry stated that he believes the regulations should stay at five years for new installations and focus on the existing ones. Mr. Barry asked how Weston and Sampson got involved. Ms. Clement stated that they are investigating some sewer issues with the DPW including grease issues. DPW invited the office to participate with the grease portion of the survey. Mr. Barry asked if these regulations will effect the planning for the new water treatment plant. Ms. Clement stated that ultimately, we want to keep grease out of the treatment plant.

MOTION - Mr. Barry made a motion to approve the changes presented tonight to the draft regulations with the addition of a definition for the proper disposal container for internal grease traps and include this in the maintenance section. The motion was seconded by Ms. Brothers and unanimously voted 4-0.

Approval of Minutes – September 19, 2013 and October 3, 2013

September 19, 2013

Mr. Barry stated that he has a few corrections. On page 2, 3rd paragraph, 2nd sentence, add “per seat” after “15 gallons/day”. On page 3, it said that Mr. Roux left the meeting but in fact he did not leave the hearing, he just did not participate so that should be deleted as well as on page 4 where it states “Mr. Roux returned to the meeting”. On page 4, 2nd paragraph, capitalize “department” and add “Health”. On page 4, 2nd paragraph, 2nd sentence add “Mr.” before “Barry”.

Ms. Kinnon stated that on page 1, under New Business, 4th paragraph, 1st sentence, change “becoming” to “be coming”.

MOTION - Ms. Brothers made a motion to approve the Board of Health minutes of September 19, 2013 as amended. The motion was seconded by Ms. Kinnon and unanimously voted 4-0.

October 3, 2013

MOTION - Ms. Brothers made a motion to approve the Board of Health minutes of October 3, 2013 as presented. The motion was seconded by Ms. Kinnon and unanimously voted 4-0.

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Board Member Reports

Ms. Kinnon stated that the Drug Awareness Week was very successful. It started with the vigil on Sunday and then the movie "Overtaken" on Wednesday night. Ms. Kinnon stated that she has the DVD for "Overtaken" and would like to view it at a meeting and get it on the website or cable channel. The week continued with "Anonymous People" on Thursday and finished with the drug take back on Saturday. They will be holding a meeting in January to review this past week and plan for next year.

Ms. Kinnon stated that Tewksbury CARES did not receive the Wal-Mart grant. Ms. Kinnon would also like to extend a thank you to Officer Welch for all her help. Ms. Kinnon stated that Tewksbury CARES has also prepared 1st Responder cards for opioid overdose resources. Ms. Kinnon stated that yesterday she, Ms. Kinghorn, Ms. Clement and Ms. Brothers went to the Greater Lowell Health Needs Assessment. The second most pressing problem is substance abuse.

Ms. Clement stated that she has the results of the Greater Lowell Health Alliance Assessment from the meeting yesterday. She has not reviewed the results yet. Tewksbury is an active member of the substance abuse subcommittee and our new nurse is looking to get more involved.

Ms. Brothers stated that one of the highlights is that there will be a number of grants that will become available in the spring.

Other Business

Ms. Clement stated that they have had UMass Lowell students working with us for the drug awareness week. The week had something for all ages. There were activities for 3rd grade students to seniors and parents. The UMass students put together a brochure and presentation for the seniors. They are also working on two public service announcements on substance abuse. Ms. Kinnon stated that the library is also continuing education on substance abuse for veterans.

Announcements

Mr. Roux stated that the annual Flu and Pneumonia Clinic would be held on November 13, 2013 at the Senior Center from 9:00 to 11:00 AM. This is open to Tewksbury residents over the age of 50. They should bring their insurance cards.

Mr. Roux stated that the 3rd Thursday of November is the Great American Smoke Out.

Mr. Roux stated that the next Board of Health meeting on November 21, 2013 will be held at the Senior Center.

MOTION - Ms. Brothers made a motion to close the meeting and adjourn at 8:35 PM. The motion was seconded by Ms. Kinnon and unanimously voted 4-0.

Approved on February 20, 2014

Documents are located in the Board of Health's office

Exhibit #1 2013 3rd Quarter Report

Exhibit #2 2012 Annual Quarterly Report

Exhibit #3 Medical Marijuana Draft Bylaw

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Exhibit #4 Chapter 9 Grease Trap Requirements for Food Establishments draft dated 10/31/13

Exhibit #5 Correspondence from Town Counsel dated September 4th 2013

Exhibit #6 Definition of a Food Establishment 590.003

Exhibit #7 September 19, 2013 minutes

Exhibit #8 October 3, 2013 minutes

Exhibit #9 Brochure of Prescription Drug Abuse in MY Community; What can I do